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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS DENNIS BERRY,

Defendant.

Case: 1:21-cr-20442

Judge: Ludington, Thomas L.

MJ: Morris, Patricia T.

Filed: 07-07-2021

INDI USA v. Thomas Berry (tt)

Violation:

18 U.S.C. § 2252A(a)(5)(B)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

**(Possession of Child Pornography Involving a Prepubescent Minor  
or a Minor Who Had Not Attained 12 Years of Age)**

**18 U.S.C. § 2252A(a)(5)(B) and (b)(2)**

**FILED**  
JUL 07 2021

U.S. DISTRICT COURT  
FLINT, MICHIGAN

On or about July 31, 2020, in the Eastern District of Michigan, Thomas Dennis Berry, knowingly possessed material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), involving a prepubescent minor and a minor who had not attained 12 years of age, and which was shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and that was produced using materials that have been

mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).

**FORFEITURE ALLEGATION**  
**18 U.S.C. § 2253(a) and 18 U.S.C. § 2428**

1. The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253(a) and Section 2428.

2. As a result of the foregoing violation of Title 18, United States Code, Section 2252A(a)(5)(B), defendant shall forfeit:

(a) any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

(b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

3. Property subject to forfeiture to the United States includes, but is not limited to, the following:

- (a) Motorola cell phone model XT1765
- (b) ZTE cell phone model Z798BL
- (c) Dell Latitude laptop computer
- (d) USB storage drive
- (e) Samsung cell phone
- (f) Dell tower

THIS IS A TRUE BILL

s/GRAND JURY FOREPERSON

SAIMA S. MOHSIN  
Acting United States Attorney

ANTHONY VANCE  
Assistant United States Attorney  
Chief, Branch Offices

s/WILLIAM J. VAILLIENCOURT, JR.  
WILLIAM J. VAILLIENCOURT, JR.  
Assistant United States Attorney  
P39115  
101 First Street, Suite 200  
Bay City, MI 48708  
Phone: (989) 895-5712  
Email: William.vaillien court@usdoj.gov

Dated: July 7, 2021

**Companion Case information MUST be completed by AUSA**United States District Court  
Eastern District of Michigan**Criminal Case Cover**Case: 1:21-cr-20442  
Judge: Ludington, Thomas L.  
MJ: Morris, Patricia T.  
Filed: 07-07-2021  
INDI USA v. Thomas Berry (tt)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	<b>Companion Case Number:</b>
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	<b>Judge Assigned:</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>AUSA's Initials:</b> WJV

**Case Title:** USA v. Thomas Dennis Berry**County where offense occurred:** Saginaw**Check One:** ☒ **Felony**    ☐ **Misdemeanor**    ☐ **Petty**

  X   Indictment/        Information --- no prior complaint.  
       Indictment/        Information --- based upon prior complaint [Case number:]  
       Indictment/        Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information****Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- ☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

**Defendant name****Charges****Prior Complaint (if applicable)****Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

Date: July 7, 2021

s/William J. Vaillencourt, Jr.  
William J. Vaillencourt, Jr.  
Assistant United States Attorney  
101 First Street, Suite 200, Bay City, MI 48708  
Phone: 989-895-5712  
Fax: 989-895-5790  
E-Mail address: William.vaillencourt@usdoj.gov  
Attorney Bar #: P-39115

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.